



ZFW

Docket No.: V9661.0043
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mee Len Chye et al.

Allowed: May 17, 2006

Application No.: 10/725,829

Confirmation No.: 7267

Filed: December 1, 2003

Art Unit: 1638

For: GENETICALLY MODIFIED PLANTS
EXPRESSING PROTEINASE INHIBITORS,
SAPIN2A OR SAPIN2B, AND METHODS
OF USE THEREOF FOR THE INHIBITION
OF TRYPSIN-AND CHYMOTRYPSIN-LIKE
ACTIVITIES

Examiner: A. R. Kubelik

REQUEST FOR SUPPLEMENTAL NOTICE OF ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: MS Issue Fee

Dear Sir:

Applicants received a Notice of Allowance dated May 17, 2006.

On June 10, 2005, Applicants filed an Information Disclosure Statement in the U.S. Patent Office. During final review of the allowed application, Applicants note that the Information Disclosure Statement of June 10, 2005 was not acknowledged.

Applicants respectfully request that the Information Disclosure Statement dated June 10, 2005 be acknowledged and considered for the above-referenced patent application, before payment of the issue fee. A copy of said Information Disclosure

Application No.: 10/725,829

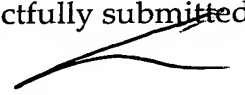
Docket No.: V9661.0043

Statement, SB 0/8 (Form PTO-1449), (plus stamped postcard indicating receipt by the U.S. Patent Office) are enclosed for your convenience.

Please charge any credits or deficiencies to our Deposit Account No. 50-2215.

Dated: July 17, 2006

Respectfully submitted,

By  _____

Charles E. Miller

Registration No.: 24,576

DICKSTEIN SHAPIRO LLP

1177 Avenue of the Americas

41st Floor

New York, New York 10036-2714

(212) 277-6500

Attorney for Applicant

Atty Docket No.: V9661.0043

Inventor: Chi-Ming Che

Filing Date: December 1, 2003

Application No.: 10/725,829

Title: GENETICALLY MODIFIED PLANTS EXPRESSING PROTEINASE INHIBITORS, SAPIN2A OR SAPIN2B, AND METHODS OF USE THEREOF FOR THE INHIBITION OF TRYPSIN-AND CHYMOTRYPSIN-LIKE ACTIVITIES

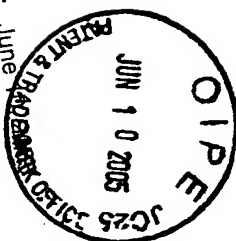
Documents Filed:

Amendment in Response to Non-Final Office Action (25 pages),
Amendment in Response to Black/White photos of Figures 5-9 (5 pages),
Parts of
with attached: "Response to Notice to File Missing Declaration; and the return postcard (5 pages);
Copies of "Response"; Executed Declaration; (2 pages);
Application data sheet for the Xu reference (2 pages);
Publication data sheet (5 pages);
Information Disclosure Statement (5 pages);
with attached PRO/ISO/8a/b and reference cited; and
Credit Card Payment Form (1 page) (\$180.00).

Date: June

Via: PTO Daily Run EAM:ICY:ll

Sender's Initials: MS





Docket No.: V9661.0043
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Chi-Ming Che et al.

Application No.: 10/725,829

Confirmation No.: 7267

Filed: December 1, 2003

Art Unit: 1638

For: GENETICALLY MODIFIED PLANTS
EXPRESSING PROTEINASE INHIBITORS,
SAPIN2A OR SAPIN2B, AND METHODS
OF USE THEREOF FOR THE INHIBITION
OF TRYPSIN-AND CHYMOTRYPSIN-
LIKE ACTIVITIES

Examiner: Maria Teresa D.
Samson
New York, NY
June 10, 2005

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Timing of Filing of the Information Disclosure Statement:

- ☐ This IDS is being filed before the First Office Action¹.
- ☒ This IDS is being filed after the issuance of the First Office Action but before the issuance of a Final Office Action².
- ☐ This IDS is being filed after the issuance of a Final Office Action or Notice of Allowance but before the payment of the Final Fee³.

Certifications:

If checked, the undersigned makes the following statement(s):

- ☐ Statement under 37 CFR § 1.97(e):

Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; or

No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

¹ The IDS should, where possible, include a certification under 37 C.F.R. §1.97(e).

² The IDS *must* include *either* a certification under 37 C.F.R. §1.97(e) *or* the fee set forth in 37 C.F.R. §1.17(p).

³ The IDS *must* include *both* a certification under 37 C.F.R. §1.97(e) *and* the fee set forth in 37 C.F.R. §1.17(p).

☐ Statement Under 37 C.F.R. § 1.704(d):

Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application less than thirty days prior to the filing of this information disclosure statement.

Fee Required by 37 C.F.R. § 1.97(c)(2) or 1.97(d)(2):

☒ If checked, the fee of \$180.00 set forth in 37 C.F.R. §1.17(p) is attached.

Copies of Information:

In accordance with 37 C.F.R. §1.98(a), the following are enclosed:

- ☒ A legible copy⁴ of each document (or relevant portion thereof) is cited in the attached PTO/SB/08.
- ☐ With respect to any information which is not in English, a concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, is attached.

This concise explanation is provided by way of:

- ☐ A translation of the relevant portions of the non-English language information⁵;

⁴ A legible copy of the document is not required if (1) the information was previously cited by, or submitted to, the Office and considered by the Office in a prior U.S. application to which this application claims priority, provided that the prior application is properly identified in this IDS, and (2) the IDS submitted in the earlier application complies with 37 C.F.R. § 1.98(a) – (c). This exception does not apply to information cited in an International Application.

⁵ 37 C.F.R. §1.98(a)(3)(ii) *requires* that an English language translation be provided when a translation of the document, or portion thereof, “is within the possession, custody or control of, or is readily available to any individual designated in 37 C.F.R. § 1.56(c).”

- ☐ A statement explaining the relevant portions of the non-English language information;
- ☐ A copy [and, where not in the English language, a translation] of at least the relevant portion(s)⁶ of the communication from a foreign patent office in a counterpart foreign application in which the information was cited; or
- ☐ This information is contained in the specification of the present application.

☐ In accordance with 37 C.F.R. 1.98(d), copies of the cited documents are not enclosed as they were provided in application Serial No. _____, filed _____, which the present application relies upon for an earlier effective filing date under 35 U.S.C. 120.

Materiality:

Whether or not the information and references disclosed in this Information Disclosure Statement is "material" pursuant to 37 CFR 1.56, this submission is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

In the event the actual fee is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 50-2215.

Dated: June 10, 2005

Respectfully submitted,

By Edward A. Meilman

Edward A. Meilman

Registration No.: 24,735

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New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant

⁶ The relevant portion is that portion which indicates the degree of relevance found by the foreign patent office. This may be an explanation of which portion of the of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report. MPEP §609 III A(3).



PTO/SB/08a/b (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/725,829-Conf. #7267
				Filing Date	December 1, 2003
				First Named Inventor	Chi-Ming Che
				Art Unit	1638
				Examiner Name	Maria Teresa D. Samson
Sheet	1	of	1	Attorney Docket Number	V9661.0043

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	BA	WO-01/42441-A2	06-14-2001	INTERNATIONAL CENTRE FOR GENETIC ENGINEERING AND BIOTECHNOLOGY		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.